

REMARKS

I. Introduction

With the addition of new claims 13 and 14, claims 7 to 14 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all copies of the certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

II. Rejection of Claims 7, 10, and 12 Under 35 U.S.C. § 102(b)

Claims 7, 10, and 12 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,811,948 ("Sato et al."). Applicants respectfully submit that Sato et al. do not anticipate the present claims for at least the following reasons.

Claim 7 relates to a method for triggering an electric motor with a pulse width modulation signal wherein a triggering frequency of the pulse width modulation signal is modified as a function of the pulse duty factor. The Office Action relies on Figure 7 and col. 6, lines 25 to 67 and col. 7, lines 1 to 40 of Sato et al. in support of this rejection. In this regard, for example, col. 6, lines 36 to 42 indicate that "[i]n view of the life of a brush in the electric motor, the level of sound caused by magnetism in the electric motor, and the effect of switching noise on other devices," the frequency should be set within a range from "several kilohertz to several tens of kilohertz". As such, Sato et al. only describe modification of a frequency to within a range based on these considerations. Sato et al. do not, however, disclose, or even suggest, that this modification is implemented as a function of the pulse duty factor.

It is, of course, "well settled that the burden of establishing a prima facie case of anticipation resides with the [United States] Patent and Trademark Office." Ex parte Skinner, 2 U.S.P.Q.2d 1788, 1788 to 1789 (Bd. Pat. App. & Inter. 1986). To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif.,

814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). As more fully set forth above, it is respectfully submitted that Sato et al. do not disclose, or even suggest, all of the features recited in claim 7. As such, it is respectfully submitted that Sato et al. do not anticipate claim 7.

Claim 10 relates to a control circuit for triggering an electric motor with a pulse width modulation signal wherein a control module generates a triggering frequency of the pulse width modulation signal as a function of the pulse duty factor. As more fully set forth above, Sato et al. do not disclose, or even suggest, this feature. As such, it is respectfully submitted that Sato et al. do not anticipate claim 10.

As for claim 12, which depends from claim 10, and therefore includes all the features recited in claim 10, it is respectfully submitted that Sato et al. do not anticipate claim 12 for at least the same reasons more fully set forth above in support of the patentability of claim 10.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 8, 9, and 11 Under 35 U.S.C. § 103(a)

Claims 8, 9, and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Sato et al. and U.S. Patent No. 4,236,102 ("Warmbier et al."). Applicants respectfully submit that the combination of Sato et al. and Warmbier et al. does not render unpatentable the present claims for at least the following reasons.

Claims 8 and 9 depend from claim 7 and therefore include all of the features included in claim 7, and claim 11 depends from claim 10 and therefore includes all of the features included in claim 10. As more fully set forth above, Sato et al. do not disclose, or even suggest, all of the features recited in claim 7 or claim 10. Warmbier et al. are not relied upon for disclosing or suggesting the features of claim 7 or claim 10 not disclosed or suggested by Sato et al. Indeed, Warmbier et al. do not disclose, or even suggest, the features of claim 7 or claim 10 not disclosed or suggested by Sato et al.

In view of all of the foregoing, it is respectfully submitted that the combination of Sato et al. and Warmbier et al. does not disclose, or even suggest, all of the features of the present claims. As such, it is respectfully submitted that the

combination of Sato et al. and Warmbier et al. does not render unpatentable the present claims. Accordingly, withdrawal of the present rejection is respectfully requested.

IV. New Claims 13 and 14

New claims 13 and 14 have been added. It is respectfully submitted that claims 13 and 14 add no new matter and are fully supported by the present application, including the Specification. Support for claims 13 and 14 may be found, for example, on page 7, lines 12 to 24 of the Specification.

Since claim 13 depends from claim 10 and therefore includes all of the features of claim 10, it is respectfully submitted that claim 13 is patentable over the references relied upon for at least the same reasons more fully set forth above in support of the patentability of claim 10.

Since claim 14 depends from claim 7 and therefore includes all of the features of claim 7, it is respectfully submitted that claim 14 is patentable over the references relied upon for at least the same reasons more fully set forth above in support of the patentability of claim 7.

V. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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